Application No. 10/576946
Response to the Office Action dated November 10, 2008

## REMARKS

Favorable reconsideration of this application is requested in view of the following remarks.

The specification at page 8, lines 12-17 has been amended as supported by the specification at page 2, lines 4-6 of the original specification as described above.

Claims 5, 19, 21, 23, and 25-28 have been canceled without prejudice.

Claim 1 has been amended to include limitations of original claim 8 and limitations supported by the specification at page 2, lines 4-6 and page 8, lines 12-17. Accordingly, claim 8 has been canceled without prejudice. Claims 10 and 29 have been amended editorially.

The specification has been objected to because of informalities. The specification at page 8, lines 12-17 has been amended to clarify that the SIALON-type compounds that are excluded from the specification are the same as those described at page 2, lines 4-6 in the specification. Accordingly, this objection should be withdrawn.

Claims 1, 2, 5-10, 13, 15, 19, 21, 23, and 25-28 have been rejected under 35 U.S.C. 112, first paragraph, as not complying with the written description requirement. Applicant respectfully traverses this rejection.

Claims 5, 19, 21, 23, and 25-27 have been canceled. Accordingly, the rejection of these claims is moot.

Applicant assumes that the excluded SIALON-type compounds are defined in the specification at page 2, lines 4-6 and page 8, lines 12-17, instead of page 12. Claim 1 has been amended to clarify the structure of the SIALON-type compounds to be excluded from claim 1 as supported by the specification (see page 2, lines 4-6 and page 8, lines 12-17). Therefore, claim 1 includes no new matter, and this rejection is moot.

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Accordingly, this rejection should be withdrawn. Applicant does not concede the correctness of the rejection.

Claims 1, 2, 6, 7, 9, 10, 12-15, 28, and 29 have been rejected under 35 U.S.C. 112, first paragraph, as not complying with the enablement requirement. Applicant respectfully traverses this rejection.

Claim 1 requires that the reaction be carried out by heating. Accordingly, the energy is provided for the reaction in claim 1, and this rejection should be withdrawn.

Claims 1, 2, 6-10, 12-15, 28, and 29 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Applicant respectfully traverses this rejection.

Claim 28 has been canceled. Claim 1 defines the structure of the SIALON-type compounds to be excluded from the claim as the SIALON-type structure represented by a general formula:  $M_{p/2}Si_{12-p-q}Al_{p+q}O_qN_{16-q}$  (where M is Ca or Ca combined with Sr; q is 0 to 2.5; and p is 1.5 to 3) as supported by the specification at page 2, lines 4-6 and page 8, lines 12-17. In addition, claim 1 requires that the reaction be carried out by heating. Accordingly, claim 1 is definite, and this rejection should be withdrawn.

In view of the above, Applicant requests reconsideration of the application in the form of a Notice of Allowance.

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PATENT TRADEMARK OFFICE

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DPM/my/ad

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